United Nations A/HRC/37/43

General Assembly

Distr.: General
6 March 2018

Original: English

Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

Report of the United Nations High Commissioner for Human Rights*

Summary

In the present report, the United Nations High Commissioner for Human Rights describes the expansion of the settlement enterprise of Israel, examines the existence of a coercive environment in occupied East Jerusalem, and addresses issues relating to Israeli settlements in the occupied Syrian Golan. The report covers the period from 1 November 2016 to 31 October 2017.

* The present report was submitted after the deadline in order to reflect the latest developments.

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I. Introduction

1. The present report, submitted to the Human Rights Council pursuant to its resolution 34/31, provides an update on the implementation of that resolution from 1 November 2016 to 31 October 2017. It is based on monitoring and other information-gathering activities conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and on information provided by other United Nations entities in the Occupied Palestinian Territory, and from Israeli and Palestinian non-governmental organizations and civil society in the Occupied Syrian Golan. It should be read in conjunction with recent relevant reports of the Secretary-General and of the High Commissioner to the General Assembly and to the Council (A/72/564, A/72/565, A/HRC/37/38 and A/HRC/37/42). The quarterly updates of the Secretary-General presented to the Security Council on the implementation of Council resolution 2334 (2016) also provide relevant information.[1]

2. During the period under review, the Israeli settlement enterprise continued unabated in the West Bank, including East Jerusalem, with significant new developments. Settlement expansion accelerated, doubling the settlement housing advancement in Area C and East Jerusalem when compared with the previous reporting period, despite a slowdown in the commencement of new construction. The Government of Israel declared that establishing settlements in the West Bank was a natural right of Israeli citizens.[2] Conditions contributing to a coercive environment, including a large number of demolitions, forced evictions and acts of settler violence, remained a serious concern. The High Commissioner examines the developments on settlement expansion and the creation of a coercive environment in occupied East Jerusalem.

II. Legal background

3. International human rights law and international humanitarian law are concurrently applicable in the occupied Palestinian territory, namely Gaza and the West Bank, including East Jerusalem. In particular, Israel is bound by the obligations of an occupying Power as set out by international humanitarian law. A detailed analysis of the legal framework in relation to the Occupied Palestinian Territory and the occupied Syrian Golan is contained in recent reports of the Secretary-General (A/HRC/34/38 and A/HRC/34/39).

III. Activities related to settlements

4. During the period under review, a sharp increase in settlement planning was witnessed, despite a slowdown in the actual commencement of new construction. Significant political proposals, including draft laws aimed at "regularizing" settlement outposts and changing the boundaries of Jerusalem, were presented, advanced or adopted. Demolitions and evictions of Palestinians in Area C continued.

A. Settlement expansion

1. Land designation, planning, zoning and tenders

5. Settlement planning accelerated, with plans for almost 10,000 housing units advanced for construction in Area C and East Jerusalem – more than double the number during the previous reporting period. Also included in the plans were some 6,500 housing units in

[1] Available from the webpage of the Office of the United Nations Special Coordinator for the Middle-East Peace Process at https://unsco.unmissions.org/security-council-briefings-0.

[2] The preliminary response of the Government of Israel submitted to the High Court of Justice on 21 August 2017 to the petition against the "Regularization" Law is available from https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/חוק+ההסדרה/Govenment+response+to+regulation+law+petition.pdf (in Hebrew).

Area C, about 300 of them reaching the final stage of approval. In East Jerusalem, some 3,100 housing units were advanced, about 800 of which reached the final stage of approval.

6. According to information obtained from the Office of the United Nations Special Coordinator in the Occupied Territories, during the period under review, 18 tenders for a total of 3,166 housing units in West Bank settlements were announced, as against only five tenders for 673 housing units during the previous reporting period. As at December 2017, only two of the tenders for a total of 49 units had been published and opened for bidding. No tenders were issued for East Jerusalem settlements. Ir Amim, a non-governmental organization, informed OHCHR that Israeli authorities conditionally approved building permits for 176 housing units in Nof Tzion, in the heart of the East Jerusalem neighbourhood Jabal Al Mukkaber, pending documentation proving land ownership. If approved, the expansion would make Nof Tzion the largest settlement within a Palestinian neighbourhood in East Jerusalem.

7. On 28 May 2017, the Government of Israel established a new settlement, Amihai, advancing hundred housing units for 41 families evicted from the Amona outpost (A/72/564, para. 6). The Government is expected to spend 160 million shekels on the project, including 40 million in compensation to the evicted settlers.[3]

8. In October, media sources reported that Israel had approved building plans for 31 settlement units in the Beit Romano settlement in Hebron old city. If realized, it would be the first time Israeli settlements are built within the city area in 15 years. Also in October, the Israeli Civil Administration approved the construction of a new settlement of 86 housing units outside Kochav Yaacov settlement, for the settlers of Migron, an evacuated outpost.[4]

2. Settlement construction

9. According to data obtained from the Israeli Bureau of Statistics, the rate of construction starts in Area C settlements witnessed a decline of more than 50 per cent during the first three quarters of 2017 (1,120 units in nine months) as against 2016 (3,027 units in 12 months). In East Jerusalem, building permits were issued for the construction of 770 housing units in Gilo and for constructions in Ramat Shlomo, Pisgat Ze'ev and Ramot.[5]

B. Consolidation of settlements

1. Unilateral changes to the boundaries of the Municipality of Jerusalem

10. In addition to the consolidation and expansion of settlements in the West Bank, which undermine the future implementation of a two-State solution (A/HRC/34/38, para. 15), Israeli lawmakers continued to promote legislative steps to change the boundaries of the Municipality of Jerusalem. An amendment to the Basic Law: Jerusalem, Capital of Israel passed a first reading in the Knesset on 27 July 2017.[6] The bill further constrains territorial concessions of any part of Jerusalem to a "foreign entity" by requiring a qualified majority of two thirds in the Knesset. At the same time, the bill encompasses further amendments to the Basic Law that would, inter alia, allow future changes to the municipal borders of Jerusalem, including the placing of Palestinian neighbourhoods under separate municipal authorities.

11. Another legislative initiative with direct implications for the boundaries of Jerusalem is the "Jerusalem and its Daughters" bill,[7] which aims at including the settlements of Ma'aleh Adumim, Beitar Illit, Gush Etzion, Efrat and Givat Ze'ev under the

[3] Yotam Berger, "Israel's PM seeks huge budget hike for relocation of West Bank settlement", *Haaretz*, 18 August 2017.

[4] Ibid.

[5] Office of the United Nations Special Coordinator for the Middle East Peace Process, Security Council briefing 20 June 2017 (2334).

[6] On 2 January 2018, a modified version of amendment No. 2 to the Basic Law passed the second and third readings.

[7] As at November 2017, the bill was pending a vote before the Ministerial Committee for Legislation.

jurisdiction of Jerusalem Municipality as "sub-municipalities". The bill would also extend the status of sub-municipalities to the Palestinian neighbourhoods of Shu'fat Refugee Camp, Anata and Kufr Aqab, all part of the Jerusalem Municipality but located beyond the wall. Discussion of the bill by the Government was blocked by the Prime Minister in October 2017, citing the need to maintain "coordination" with the United States of America.[8] If passed into law, it would not only effectively change the demographic balance in the Municipality of Jerusalem in favour of a Jewish majority, but also amount to a de facto annexation of some of the largest settlements in the West Bank.[9]

2. Hebron

12. On 31 August 2017, Israel issued military order No. 1789 establishing a "civil services administration" for settlements in the area of Hebron under Israeli control, H2. By upgrading the status of settlements, the order confers legal personality to the new administration and specific powers, such as the power to purchase and renovate property, provide municipal services, and legally represent the settlers. This amounts to a consolidation of the settler presence in Hebron, in violation of international humanitarian law.[10]

13. Impediments to Palestinians' freedom of movement were further consolidated in the H2 area of Hebron with the addition of new closures and the fortification of existing checkpoints. This has led to a sharp deterioration in the living conditions and an increased coercive environment for affected Palestinians in the H2 area of Hebron (A/71/355, para. 25). According to information gathered by OHCHR, at least three families (18 people) have left since May 2017 because of the coercive factors in the area (A/71/355, paras. 60-64).

14. On 26 July 2017, settlers moved into the second and third floors of a house belonging to the Abu Rajab family, in the H2 area of Hebron. In 2012 and 2013, other settlers had taken over parts of the house, claiming that a settler-run estate company had purchased them. At the time, the High Court of Justice had ordered the prompt evacuation of the settlers, on the grounds that ownership deliberations were ongoing. On 27 August 2017, the Court decided that the presence of the settlers in the house was illegal and that they should be evicted. On 3 September 2017, however, the Supreme Court suspended the eviction order until further notice. Since the house has been occupied by settlers, the area witnessed an intensification in the presence of Israeli security forces and settlers, and of related violence (see para. 22 below).

3. Regularization of outposts

15. On 22 October 2017, the High Court of Justice confirmed a 2016 ruling that 15 settlement units in the outpost of Netiv Ha'avot in Gush Etzion, built on private Palestinian land, had to be demolished. The State of Israel intends to legalize under national law 43 units in the outpost, built without the State's approval but on State land (see para. 22 below). A new outpost was created outside Halamish settlement a few days after a Palestinian killed three Israelis in the settlement, on 21 July 2017, but it was later dismantled.[11]

16. No outposts were legalized during the period under review. Israel last legalized an outpost in May 2014. In February 2017, however, the Knesset adopted the so-called "regularization law", which could allow for the retroactive legalization of outposts built on private Palestinian land. If implemented, the law would apply to more than half of existing Israeli outposts and approximately 3,000 additional housing units built illegally within existing settlements (A/72/564, paras.14-15). As at November 2017, the law had yet to be

[8] Becca Noy, "Pressure from Washington behind Greater Jerusalem bill vote delay", *Jerusalem on Line*, 29 October 2017.

[9] See also Nir Hasson and Jonathan Lis, "Israeli minister to push plan aimed at reducing number of Arabs in Jerusalem", *Haaretz*, 29 October 2017.

[10] Fourth Geneva Convention, art. 49.

[11] Jacob Magid, "Work starts on new outpost outside Halamish after deadly terror attack", *Times of Israel*, 23 July 2017.

implemented following petitions filed against it with the High Court of Justice and a temporary injunction issued by the Court on 17 August 2017.[12]

17. The Israeli Attorney General has publicly opposed the regularization law and requested the court to suspend its application pending a final decision. At the same time, however, he confirmed an alternative way to expropriate privately owned Palestinian land.[13] In a legal opinion issued on 7 November 2016, the Attorney General approved the use of Military Order No. 29 (1967) to legalize settlement constructions built on private Palestinian land, when built in good faith, based on the assumption that it was on State land, and with adequate compensation to the lawful landowners.[14] The regularization law might therefore not be necessary for Israel to achieve the retroactive legalization under national law of a large number of houses in settlements and of many outposts built on privately owned Palestinian land.[15]

C. Settlement infrastructure

18. On 25 October 2017, the Prime Minister of Israel vowed to promote an 800 million shekel plan for bypass roads in the West Bank. According to the non-governmental organization Peace Now, the purpose is to connect settlements in the West Bank with Israel and the main West Bank traffic arteries, while reducing the need for settlers to drive through Palestinian towns and villages. The organization warns that projects of this kind have entailed the confiscation of private Palestinian land.[16]

19. Construction of the East Jerusalem ring road between the Palestinian communities of Al-Za'ayyim and Anata commenced in September 2017. The road is separated by a wall, with a road for Palestinians on one side and a road for Israelis on the other. Once completed, it will play a significant role in the development of the E1 settlement infrastructure (A/70/351, para. 18). Construction of the wall continued south of Jerusalem, through the Cremisan Valley – at imminent threat of being cut off from the West Bank – and around the village Al-Walaja, further isolating this Palestinian village situated near the settlements of Gilo and Har Gilo.

D. Settler violence

20. Settler violence has increased since the previous reporting period, reaching a peak during the first half of 2017. During the period under review, the Office for the Coordination of Humanitarian Affairs documented 147 incidents of settler violence, as against 104 in the previous reporting period. The incidents resulted in Palestinian casualties (three killed and 75 injured, including 19 children), and 110 of the incidents led to damage to Palestinian property.

21. On 6 September, 16-year-old Usama Daghlas was, according to the victim, attacked 500 m from his house, in Burqa village, by 10 to 20 settlers who beat him unconscious.

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[12] Besides delaying the application of the law, the injunction halts the enforcement of demolition orders on illegal settlement construction on private Palestinian land in the West Bank.

[13] In his response to the High Court of Justice to the petitions against the law submitted on 22 November 2017, the Attorney General, while opposing the law, explained that other more proportionate tools could be used to achieve the same goals, referring to his legal opinion of 8 November 2017, where he asserted that, on the basis of a recent decision of the High Court of Justice, privately owned Palestinian land could be expropriated for public purposes in settlements where only the settlers can benefit from it. See http://peacenow.org.il/wp-content/uploads/2017/11/AG-response-expropriation-law.pdf (in Hebrew).

[14] On 19 November 2017, the Government of Israel relied on the opinion in a petition pending before the High Court of Justice to justify the expropriation of 45 dunams of private Palestinian land.

[15] See *Haaretz*, Yotam Berger, "Israel's Attorney General paves way for legalization of at least 13 West Bank outposts", 19 November 2017; and "Israeli attempt to 'legalize' settler homes built on private Palestinian land gets legal backing", 23 November 2017.

[16] Peace Now, "800 million shekel plan for bypass roads in the West Bank approved by Netanyahu", 26 October 2017.

Over the course of approximately an hour, the settlers stripped him naked and dragged him over a hillside. A shepherd found him two hours later, unconscious and bruised. Even though a complaint was filed, the investigation was soon closed by the police given that the perpetrators remained unidentified.

E. Discriminatory law enforcement

22. Since the Abu Rajab house was occupied in the H2 area of Hebron on 25 July 2017, the area has witnessed an increase in settler presence and specific incidents of settler violence. According to monitoring by OHCHR, the week after the settlers took over the house, 12 Palestinians were injured by settlers. On 4 August 2017, OHCHR documented a group of settlers throwing stones at Palestinians along the road between Kiryat Arba settlement and the Abu Rajab house; two Palestinians sustained head injuries, and one had a broken hand. According to witnesses, Israeli Security Forces did not intervene to protect the two injured Palestinians, but arrested them, without first ensuring their access to medical assistance. The Palestinians were released an hour later, then transferred to a Palestinian ambulance. According to monitoring by OHCHR, on 9 September 2017, settlers attacked a 55-year-old Palestinian woman living in the Abu Rajab house while she was in the courtyard. Witnesses stated that settlers threw stones from the roof of the three-story building, hitting the woman twice on the head; she was subsequently hospitalized. Although the family filed a complaint with the police, as at November 2017, OHCHR was not aware of any developments in the case.

23. As the occupying Power, Israel has the obligation to uphold public order and safety in the Occupied Palestinian Territory and to protect the Palestinian population from all acts of violence.[17] Israel also has the obligation to exercise due diligence to prevent, investigate, prosecute, punish and remedy any harm caused to Palestinians (A/HRC/34/38, paras.13, 36-37). It is common, however, for the Israeli Security Forces neither to prevent incidents nor to react to attacks occurring in their presence (A/72/564, paras. 20-22). Israel has also repeatedly failed in its obligation to do its utmost to investigate cases of settler violence and prosecute perpetrators. Settler violence impedes the enjoyment of numerous human rights by the Palestinian population affected (A/71/355, para. 50; A/HRC/34/38, para. 36).

F. Impact of settlements on Palestinian communities at risk of forcible transfer

24. The publicly stated intention of the Government of Israel to relocate thousands of Palestinians residing in Area C remains a key concern, as well as a source of pressure contributing to a coercive environment (A/HRC/34/39, para. 44; A/72/564, paras. 36-57). Some 7,500 persons belonging to 46 Bedouin communities, mostly refugees, are at particular risk. According to the Office for the Coordination of Humanitarian Affairs, during the period under review, 488 Palestinian-owned structures were demolished, including 319 in Area C, in the West Bank, causing the displacement of 684 people (including 414 in Area C), including 383 children (236 children in Area C).

25. On 24 September 2017, the Israeli Civil Administration informed the community of Khan al Ahmar that it would be relocated by mid-2018. Around 140 Palestinians live in this severely underserviced village in the Jerusalem periphery and are at risk of forcible transfer. In September, the Minister of Defence of Israel warned that plans to demolish Susya, a Palestinian village located in Area C and the target of multiple demolitions in the past, were proceeding.[18]

[17] Regulations respecting the Laws and Customs of War on Land (Hague Regulations), arts 43 and 46; Fourth Geneva Convention, art. 27.

[18] Yotam Berger, "After heavy diplomatic pressure, Israel moves to delay demolition of Palestinian village of Sussia", *Haaretz*, 2 November 2017.

IV. Impact of settlements: a case study of the coercive environment in East Jerusalem

26. Since the occupation of East Jerusalem by Israel in 1967, more than one third of the territory of East Jerusalem has been expropriated for the construction of Israeli settlements (A/66/364, para. 13). Jerusalem has 323,700 Palestinian residents, accounting for 37 per cent of the population of the city. According to sources, in East Jerusalem, 210,000 Israeli settlers live in large settlement blocs, while another 2,000 to 3,000 live in small enclaves in the heart of Palestinian neighbourhoods.[19] Unlike settlements in the West Bank, those in East Jerusalem are located within densely populated Palestinian neighbourhoods, causing significant friction and violence.

27. The Secretary-General has previously voiced concerns about the impact of settlement policies on the living conditions of Palestinians, including the increased risk of individual and mass forcible transfer (A/HRC/34/38, para. 23; A/HRC/34/39, para. 40; A/72/564, para. 27). There is a concern that Israel, as the occupying Power, is increasing pressure on Palestinians living in areas under full Israeli control through practices and policies that contribute to a coercive environment, compelling them to move out of their areas of residence (A/HRC/34/39, paras. 40-42).

28. International humanitarian law prohibits the transfer of a population by an occupying State into an occupied territory, and individual or mass forcible transfer or deportation of the population of an occupied territory, regardless of the motive.[20] Such a transfer amounts to a grave breach of the Fourth Geneva Convention and is therefore a war crime.[21] Forcible transfer does not necessarily require the use of physical force by authorities: it may be triggered by specific factors that give individuals or communities no choice but to leave, amounting to what is known as a "coercive environment". Any transfer without the genuine and fully informed consent of those affected is considered forcible. Genuine consent to a transfer cannot, however, be presumed in an environment marked by the use or threat of physical force, coercion, fear of violence, or duress (A/HRC/34/38, para. 28; A/HRC/34/39 para. 41). Human rights, such as the rights to freedom of movement, privacy and family life,[22] in addition toeconomic, social and cultural rights (A/HRC/16/71, para. 24), are usually violated within the context of forcible transfer.

A. Discriminatory planning and zoning

29. Municipal planning practices differ in the case of Israelis in West Jerusalem, Palestinians in East Jerusalem and Israeli settlers in East Jerusalem. As reiterated in previous reports of the Secretary-General and the Committee on the Elimination of Racial Discrimination, the planning regime adopted by Israel is discriminatory and incompatible with requirements under international law (A/HRC/25/38, paras. 11-14; A/HRC/31/43 paras. 18 and 45; A/HRC/34/38, para. 25; CERD/C/ISR/CO/14-16, para. 25). Its planning policies and processes in East Jerusalem and Area C contravene the principle of non-discrimination in relation to the right to an adequate standard of living, including the right to housing.[23]

30. Israeli authorities have allowed for the planning and zoning of only 13 per cent of East Jerusalem for Palestinian residential construction, most of which is already built up. According to the Association for Civil Rights in Israel (ACRI), for more than a decade, local and district planning authorities have not advanced a single outline plan in the Palestinian neighbourhoods despite the fact that, over the same period, the Palestinian population in East Jerusalem increased by more than 25 per cent.[24] In areas where

[19] Daniel Seidemann, *The Israeli Settlement Enterprise in East Jerusalem, 1967-2017* (Jerusalem, 2017), p. 15. [20] See Fourth Geneva Convention, art. 49.

[20] See Fourth Geneva Convention, art. 49.

[21] Fourth Geneva Convention, art. 147; Rome Statute, art. 8 (2) (b) (viii).

[22] International Covenant on Civil and Political Rights, arts. 12 and 17.

[23] International Covenant on Economic, Social and Cultural Rights, art. 11. See also A/72/564, para. 25.

[24] See http://jerusaleminstitute.org.il/ upload/yearbook/2007_8/shnaton%20C0106.pdf.

construction is permitted, the application process for building permits is prohibitive for many Palestinians owing to, inter alia, the high costs involved, the difficulty of providing proof of land ownership, and the criteria of requisite access roads and other infrastructure often missing in Palestinian neighbourhoods. The process can take several years, and the actual prospects of a permit being granted are low.[25] According to the non-governmental organization Bimkom, there are approximately 32,000 legal housing units for the 323,700 Palestinians in Jerusalem, a result of the municipality having issued only 5,000 construction permits since 1967 and built little public housing for Palestinians. Consequently, a third of Palestinian homes in East Jerusalem have been built without the required Israeli permit, a fact that Makes them subject to demolition orders, putting at least 100,000 Palestinians at risk of displacement.[26]

31. The planning, zoning and settlement policies in East Jerusalem prevent the normal development and natural growth expansion of Palestinian families, sometimes forcing people to move to other neighbourhoods or to leave Jerusalem owing to the lack of available housing. The shrinking physical space for Palestinians to live in East Jerusalem is compounded by the contraction of public and cultural public space. According to the Jerusalem Legal and Human Rights Centre, 24 Palestinian civil society organizations and cultural institutions have been closed by the Israeli authorities since 2001 on the basis of allegations of relations with political parties or the Palestinian Authority. During the period under review, at least eight cultural or political Palestinian events were prohibited in East Jerusalem.

32. While the planning and construction laws are enforced on Palestinian communities, illegal construction by settlers in the same neighbourhoods has been tolerated by the municipality. One example is Beit Yonatan, an illegally built six-story building in Silwan. Proceedings by the legal adviser of Jerusalem municipality led to an order to evacuate the building, upheld by the High Court. The mayor of Jerusalem has, however, refused to implement the ruling.[27]

B. Home demolitions and forced evictions, or the threat thereof

33. The Secretary-General and the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 previously noted that the seizure of Palestinian homes and forced evictions, and the risk thereof, often to allow settlers to move in, contributed to a coercive environment in East Jerusalem (A/HRC/16/71, paras. 20-22; A/HRC/34/39, para. 46; A/70/351, paras. 25-51). Demolitions leading to forced evictions also violate the right to an adequate standard of living, including the right to housing (A/72/564, para. 26).[28] Demolitions carried out by the Israeli authorities in the context of discriminatory planning or for punitive purposes are unlawful under international law, given that they lead to forced evictions. They also violate international humanitarian law, which expressly prohibits the destruction or confiscation of private property (see A/HRC/34/38, paras. 21-22).[29] If not justified by military necessity, and carried out unlawfully and wantonly, the extensive destruction and appropriation of property amounts to a grave breach of article 147 of the Fourth Geneva Convention and constitutes a war crime.[30] According to the Office for the Coordination of Humanitarian Affairs, during the

[25] Aviv Tatarsky and Architect Efrat Cohen-Bar, *Deliberately Planned: A Policy to Thwart Planning in Palestinian Neighborhoods of Jerusalem*, Ir Amim and Bimkom, February 2017, p. 9.

[26] Office for the Coordination of Humanitarian Affairs, "Significant increase in risk of displacement in East Jerusalem", *Monthly Humanitarian Bulletin*, August 2017.

[27] Seidemann, *The Israeli Settlement Enterprise* (see footnote 19), p. 103. See also Ronen Medzini, "Barkat delays Beit Yonatan eviction", ynetnews.com, 26 December 2010.

[28] International Covenant on Economic, Social and Cultural Rights, art. 11. See also Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997) on forced evictions.

[29] International Covenant on Economic, Social and Cultural Rights, art. 11. See also Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997) on forced evictions.

[30] See Hague Regulations, art. 46; and Fourth Geneva Convention, arts. 53 and 56.

[31] See also the statute of the International Criminal Court, art. 8 (2) (a) (iv).

period under review, 157 constructions were demolished in East Jerusalem, leading to the displacement of 241 people, including 138 children.

34. OHCHR followed the case of East Jerusalem residents Saleh Ibrahim Turk and his family, who were displaced twice owing to demolitions, and relocated to Shuafat refugee camp, an area beyond the wall, within the Jerusalem municipal border. The family's first house in 'Anata, East Jerusalem, was demolished in 2007 because it was on the route of the wall. After buying land in Isawiya, East Jerusalem, the family built a house without a permit, as they were unable to secure one. They received a demolition order in 2013; despite their efforts to postpone the demolition and the payment of heavy fines, the house was demolished on 14 February 2017, without further warning. The family of 10 currently lives on the ninth floor of an unfinished building, in Shuafat refugee camp. Owing to the insecurity of the building and the many stairs, the mother and several of her children rarely leave the house. Their livelihood has been considerably affected, given that they previously relied on farming and livestock, and their movement is restricted because of the checkpoint and the frequent closures linked to clashes.

35. OHCHR monitored the situation of another family that moved from East Jerusalem to another part of the West Bank after the demolition of their house in early 2017. Although their house was located in a zone designated for construction, the area did not have a zoning plan and the house was therefore built without a permit. After the demolition of their house, the family moved to Area C in the West Bank, also owing to the lack of other housing options. The children have to commute an additional hour, including through a checkpoint, to reach their school in Jerusalem. The family now risks the revocation of its Jerusalem residency status as it lives outside the municipal border, which would lead to their permanent displacement from Jerusalem.

36. Both cases of displacement due to house demolition are the direct consequence of the implementation by Israel of a discriminatory planning and zoning regime in East Jerusalem, notably in violation of the right to an adequate standard of living, including the right to housing. Such cases of displacement may also amount to forcible transfer.

37. According to the Office for the Coordination of Humanitarian Affairs, the majority of families whose homes were demolished in East Jerusalem between 2012 and 2016 stayed in the same community; 20 per cent of the families moved from the East Jerusalem side of the wall to the other side; of these, 65 per cent moved to Jerusalem municipality areas, while the rest moved to other parts of the West Bank. Palestinian residents of East Jerusalem who relocate outside the municipality of Jerusalem risk the definitive loss of their East Jerusalem residency, which is afforded on the condition that the centre of their life is effectively there (see para. 56 below).

38. An Israeli local government audit found that some 140,000 residents live in the eight Palestinian neighbourhoods that lie within the Jerusalem municipality border defined by the Israeli authorities but in areas separated from the rest of East Jerusalem by the wall.[31] The neighbourhoods severely lack basic infrastructure, municipal services and law enforcement, and suffer from poor living conditions,[32] although the communities themselves are under the authority of the municipality of Jerusalem and pay municipal taxes.

39. As at 31 October 2017, eviction cases had been filed against at least 180 families (about 800 people) in East Jerusalem, including 21 households in the Old City. Most cases were initiated by settler organizations aiming at gaining control of Palestinian properties by claiming ownership prior to 1948 or challenging the "protected tenant" status of some families.[33] As previously reported, private settler initiatives have significantly increased in East Jerusalem since 2009, particularly in the neighbourhoods surrounding the Old City,

[31] See Association for Civil Rights in Israel, East Jerusalem: Facts and Figures 2017, 21 May 2017. The areas comprise Qalandia, Kufr Aqab, Shuafat refugee camp and surrounding area (including Ras Khamis and Ras Sheheda) and parts of Im Shirayat, Abu Emgheyreh, Al Shayyah, Ber Owna and As Sawariya.

[32] UNDP, *Jerusalem Communities behind the Wall: "Area X"*, Resilience Series, March 2017, p. 7.

[33] Office for the Coordination of Humanitarian Affairs, "East Jerusalem: Palestinians at risk of eviction", 3 November 2016. The status of "protected tenants" was granted to Palestinians who were renting properties in East Jerusalem as administered by Jordan after 1948.

where 2,500 settlers are located. Such initiatives are supported by funding of the Government of Israel (A/HRC/34/39, para. 30). The Absentee Property Law has been often evoked to transfer properties to settler organizations in East Jerusalem, mainly to Elad and Ateret Cohanim (A/70/351, paras. 29-36).

40. Lawsuits based on a claim of previous Jewish ownership have been a frequent strategy for settler organizations to acquire properties in East Jerusalem. Since 2014, there has been an increase in settler takeovers in the neighbourhoods surrounding the Old City, primarily through purchase and claims of prior ownership before 1948.[34] The combination of three laws enacted by Israel since 1948 allows Jews to claim ownership rights to properties on the basis of alleged pre-1948 Jewish ownership; Palestinians who owned land or property in areas before 1948 that are now part of the State of Israel are not, however, granted any reciprocal right (A/71/355, para. 7).[35]

41. Tourism heritage development in East Jerusalem has also profoundly changed the shape and character of Palestinian neighbourhoods, creating footholds for further residential settler expansion (A/HRC/34/39, para. 21; A/70/351, para. 33); according to a report issued by the State Comptroller (annual report 67A) in 2016, archaeological tourism sites in East Jerusalem are managed by private settler groups, with little transparency or government oversight.

42. Settlers have apparently managed to purchase properties from Palestinians, often through Palestinian middlemen, in neighbourhoods where the coercive environment is strongest, such as the Old City and Silwan.[34] Information about such sales is very limited, given that they are illegal under Palestinian law and are strongly condemned by Palestinian society.

43. Since the early 1970s, the Palestinian refugee community in Sheikh Jarrah has been the target of forced evictions raised in Israeli courts by settler organizations that claim pre-1948 ownership. In November 2017, 66 families were facing eviction proceedings.[36] On 5 September, the Shamasneh family (eight members, including a child) was forcibly evicted from its home in Sheikh Jarrah, which was handed over to Israeli settlers; the first eviction in the neighbourhood in eight years. Although the family had lived in the house since 1964, it had become the subject of eviction proceedings after the house was transferred to settlers claiming to represent the original owners.

44. Forced evictions resulting from demolitions are a violation of human rights, including the rights to adequate housing, water, sanitation, health and education (A/72/564, para. 49). The most direct impact of house demolitions is homelessness, in violation of the right to adequate housing as protected by article 11 of the International Covenant on Economic, Social and Cultural Rights. Demolitions generally have a disproportionate impact on women, who are often the primary caregivers for extended families and manage household livelihoods.[37]

C. Right to life, liberty and security of person

45. To ensure the security of settlers, armed private security guards, Israeli police, border police and temporary checkpoints are deployed. The friction caused by the heavy presence of settlers, Israeli security guards and police in densely populated Palestinian

[34] Seidemann, *The Israeli Settlement Enterprise* (see footnote 19), p. 71. [35] Eyal Raz and Aviv Tatarsky, Broken Trust: *State Involvement in Private Settlement in Batan al-Hawa, Silwan*, Ir Amim and Peace Now, May 2016, p. 8.

[35] Eyal Raz and Aviv Tatarsky, Broken Trust: *State Involvement in Private Settlement in Batan al-Hawa, Silwan*, Ir Amim and Peace Now, May 2016, p. 8.

[36] Office for the Coordination of Humanitarian Affairs, "East Jerusalem: Palestinians at risk of eviction", available from www.ochaopt.org/sites/default/files/evictions_community_sum_ej_2016_final_1_11_2016.pdf.

[37] United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), *International Legal Accountability Mechanisms: Palestinian Women Living under Occupation*, December 2016.

neighbourhoods frequently leads to clashes, which in turn serve as a justification for police raids and arrests.

46. During the unrest in Jerusalem in July 2017, following the killing of two Israeli policemen near the Al-Aqsa mosque compound and the subsequent measures taken by Israeli police at the entrances to the holy site, OHCHR and the Office for the Coordination of Humanitarian Affairs documented a spike in excessive use of force, during which 13 Palestinians were injured by live ammunition and two were killed in clashes in East Jerusalem.

47. The heavy security measures taken by Israeli authorities in these crowded neighbourhoods often have an impact on bystanders; children are especially vulnerable. For instance, according to monitoring by OHCHR, on 9 July 2017, 13-year-old Nour Ayman Hamdan was standing on the balcony of his house in Isawiya as Israeli Security Forces entered his neighbourhood, called to intervene in a dispute between Palestinians. He was struck with a sponge-tipped bullet in his left eye, causing permanent loss of sight.

48. In East Jerusalem settlements, the Ministry of Defence of Israel contracts private security companies to protect settlers. According to the Association for Civil Rights in Israel, the security guards are de facto private police forces at the exclusive service of Jewish residents, unlike the regular police which, in principle, must serve all inhabitants without discrimination and is subject to public accountability.[38]

49. OHCHR monitored two cases that demonstrated how the settler takeover of houses in the East Jerusalem neighbourhood of Batan al Hawa in Silwan has increased tensions and violence. On 17 December 2016, Mousa Ali Qarra'een was attempting to de-escalate an argument between Palestinian youths and Israeli security guards outside a settler's house in Batan al Hawa when a private guard drew his weapon and opened fire, shooting Qarra'een in the leg. When he arrived at the hospital, Israeli Security Forces delayed his treatment for 40 minutes to interrogate him. While Qarra'een was charged with assault, OHCHR is not aware of any investigation or charges raised against the guard.

50. On 9 September, 61-year-old Fayez al Rajabi, who lives 15 m from houses occupied by settlers in Batn al Hava, was looking for his son and granddaughter when he heard that tear gas grenades were being shot during scuffles. When he reached the street, Israeli Security Forces threw three sound grenades at him from a distance of 10 m, the explosions hitting his legs and face. His hearing was affected and he was hospitalized for 10 days with internal brain bleeding.

51. Residents of Batan al Hawa in Silwan reported to OHCHR that the neighbourhood was quieter before the first of the two houses was taken over by settlers in 2014. Since then, there has been a heavy presence of Israeli Security Forces and frequent clashes, at times on a daily basis. Al Rajabi and his wife Ayda are worried about the impact on their family, especially their three sons, aged between 15 and 22 years. One of their sons has been imprisoned for stone-throwing and another arrested for allegedly insulting police officers. Batan al Hawa is considered one of the most vulnerable neighbourhoods in East Jerusalem, with 62 households at risk of eviction and 309 persons risking displacement because of ownership claims.

52. Human rights organizations have continued to raise concern at the arrest of Palestinian children in East Jerusalem (A/70/351, para. 48).[39] According to the Office for the Coordination of Humanitarian Affairs, 1,092 Palestinians, including 409 children, were arrested in East Jerusalem during the period under review. Palestinian children are mainly arrested in areas with a high settler presence, especially in the Old City, Silwan and Ras al Amud.

[38] See www.acri.org.il/en/wp-content/uploads/2011/10/E-Jlem-Petition-Security-guards-ENG.pdf.

[39] B'Tselem and HaMoked, *Unprotected: Detention of Palestinian Teenagers in East Jerusalem*, October 2017.

D. Collective punishment

53. Collective punishment is expressly prohibited by international humanitarian law and has a negative impact on several human rights (A/HRC/34/38, para. 33).[40] It is also a coercive factor (A/HRC/34/39, para. 57). In East Jerusalem, OHCHR has monitored and documented practices that raise concern with regard to collective punishment, including the punitive sealing of houses and demolitions, the revocation of residency status and the withholding of bodies; for instance, as documented by OHCHR, the family home of Fadi al Qunbar, who killed four Israeli soldiers when he rammed a truck into them on 8 January 2017, was punitively sealed on 22 March 2017, leading to the forcible eviction of his wife and four children in the East Jerusalem neighbourhood of Jabal Al Mukkaber (A/72/565, para. 19). After the attack, approximately 240 households in that neighbourhood received a notice of planning or zoning violations, exposing them to the risk of demolition and forced eviction (para. 23). The Office for the Coordination of Humanitarian Affairs, during the period under review, counted 13 cases of punitive demolition and the sealing of houses in the Occupied Palestinian Territory, including four in East Jerusalem, affecting 39 Palestinians, including 18 children.

54. In January 2017, Israel resumed its practice of punitive revocation of East Jerusalem residency status as a form of collective punishment (A/72/565, paras. 21-25). Even when not carried out as a punitive measure, this would be a violation of the right to liberty of movement and freedom to choose residence (A/HRC/34/38, paras. 62-66).[41] Following the above-mentioned attack on 8 January 2017, 11 members of the Qunbar family had their residency status in East Jerusalem revoked, on 25 January 2017 (A/72/565, paras. 21-22).

E. Residency regime

55. The strict residency regime for East Jerusalem residents and restrictions on family unification between residents of East Jerusalem and of other parts of the West Bank is another factor contributing to the coercive environment (A/HRC/34/39, para. 56). In Jerusalem, while Palestinians may apply for Israeli citizenship, the overwhelming majority reject that option and therefore only have "permanent residency", which can be revoked – unlike Palestinians in Israel who have Israeli citizenship. Since 1967, Israel has revoked the residency status of 14,595 Palestinian residents of Jerusalem.[42] Since 1995, Palestinian residents of East Jerusalem are required by Israel to continuously prove that Jerusalem is their "centre of life" to keep their residency status (A/HRC/31/44, para. 29). Residency is not automatically passed on to children, but has to be proven by their parents. If residents lose their residency permits, they become effectively stateless and have no legal status to reside in Jerusalem, thereby risking displacement to the West Bank. OHCHR monitored the case of Shifa Shalludi who, after living 19 years in Jerusalem, lost her permit to live in the city following her divorce. She had no choice but to move with her children to Kafr Aqab, an area on the other side of the wall, but within the Jerusalem municipal boundary, so that her children could retain their eligibility for Jerusalem residency. She lost her job and network in Jerusalem, and now struggles to secure an income and care for the children in a severely underserviced area. Besides being discriminatory, the residency permit regime in Jerusalem violates the right to liberty of movement and freedom to choose residence.[43] It also has a profound impact on the exercise of economic, social and cultural rights, such as the rights to work, to health and to education (A/HRC/31/44, para. 6).

[40] Hague Regulations, art. 50; Fourth Geneva Convention, art. 33.

[41] See International Covenant on Civil and Political Rights, art. 12. In September 2017, the Israeli High Court of Justice ruled against the revocation of the East Jerusalem residency status of four members of the Palestinian Legislative Council on the grounds of "breach of loyalty"; see Adalah, "After 10 years of litigation, Israeli Supreme Court rules interior minister cannot revoke Palestinian parliamentarians' Jerusalem residency for 'breach of loyalty'", 13 September 2017.

[42] Human Rights Watch, "Israel: Jerusalem Palestinians stripped of status", 8 August 2017.

[43] International Covenant on Civil and Political Rights, art. 12.

F. Access to services

56. East Jerusalem faces a lack of essential services, such as health care, welfare services, educational facilities and basic infrastructure. According to the Association for Civil Rights in Israel, only 59 per cent of residents are connected legally and properly to the water grid.[44] The public education system is underfunded and neglected, with a shortage of around 2,000 classrooms. The Municipality estimates the cumulative dropout rate at 32 per cent.[45]

57. The lack of access to services, often compounded by restrictions on the freedom of movement, contribute directly to the coercive environment in areas under full Israeli control (A/HRC/34/39, paras. 55-57).[46] According to Ir Amim, approximately 8 to 10 per cent of the budget of the Jerusalem Municipality is allocated to Palestinians in East Jerusalem, even though they account for 37 per cent of the city's population. In recent years, while municipal officials have claimed in media reports that there was an increase in budget allocation to Palestinians neighbourhoods, no comprehensive data have been released to substantiate these claims.[47] The discriminatory service provision and resource allocation that favours West Jerusalem and settlers in East Jerusalem severely affects the quality of life of the Palestinians residing in East Jerusalem (A/HRC/31/43, para. 18). According to a poverty report prepared in 2016 by the National Insurance Institute, 73 per cent of the residents of East Jerusalem lived below the poverty level. The average poverty rate in Israel is 22 per cent.[48]

58. The wall severely impedes freedom of movement and access to municipal services in neighbourhoods that are part of Jerusalem municipality but on the other side of the wall. Many students who attend learning facilities on the other side of the wall endure delays and difficulties in reaching these facilities.[49] Similarly, access to health care is impeded by the crossing of checkpoints, causing delays that can prove fatal in cases of emergency. According to the United Nations Development Programme (UNDP), Israeli ambulances are unwilling to enter the areas of East Jerusalem lying beyond the wall, and Palestinian ambulances are not allowed to cross the wall.[50]

59. With regard to services, the situation is even worse in the areas of East Jerusalem situated beyond the wall, where there is a lack of schools, medical facilities and waste collection, and road infrastructure is of poor quality. A decision by the Government of Israel of 28 May 2017, allocating nearly 180,000 NIS ($50,000) for improving waste collection and sewage infrastructures in Palestinian neighbourhoods in East Jerusalem, explicitly excluded the areas beyond the wall, citing "ongoing interministerial" discussions on addressing the challenges in those areas.[51]

60. Since the construction of the wall, Israeli law enforcement has almost completely withdrawn from the areas, while the Palestinian police does not have jurisdiction there, creating a severe gap in law enforcement that encourages high rates of crime and violence.[52] Construction in these areas is rampant, with a lack of enforcement of building safety regulations. The consequence is that many buildings could be unsafe, especially in

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[44] See www.acri.org.il/en/wp-content/uploads/2017/05/Facts-and-Figures-2017.pdf.

[45] Ibid. See http://m.knesset.gov.il/Activity/committees/Education/Pages/CommitteeProtocols.aspx (in Hebrew).

[46] Middle East Quartet Report, July 2016 (see http://fmep.org/wp/wp-content/uploads/2016/07/Quartet-Report-2016.pdf), p. 6.

[47] According to one source, the development budget of Palestinian neighbourhoods grew almost tenfold between 2004 and 2015; see Elhanan Miller, "City Hall almost done mapping East Jerusalem", *Times of Israel*, 20 February 2015.

[48] See www.btl.gov.il/Publications/oni_report/Documents/oni2016.pdf (in Hebrew). See also Association for Civil Rights in Israel, East Jerusalem (see footnote 31).

[49] UNDP, *Jerusalem Communities behind the Wall* (see footnote 32), p. 16.

[50] Ibid.

[51] See www.pmo.gov.il/MediaCenter/SecretaryAnnouncements/Pages/govmes280517.aspx (in Hebrew).

[52] UNDP, *Jerusalem Communities behind the Wall* (see footnote 32), p. 8.

the event of natural disaster.[53] In May 2017, the first of six planned police stations in Palestinian neighbourhoods of East Jerusalem was opened in the Shuafat refugee camp, as part of a $287 million government initiative to improve law enforcement and security in East Jerusalem.[54]

61. In addition to its obligations under international human rights law, including concerning the rights to an adequate standard of living and to the highest attainable standard of physical and mental health,[55] Israel has the responsibility, as an occupying Power, to ensure proper access to health-care facilities and services to the Palestinian population of the Occupied Palestinian Territory, without discrimination.[56]

62. The persistence of settlement expansion, settler violence, demolition of homes and livelihood structures and the restrictions on freedom of movement have high costs for Palestinian women, including in East Jerusalem (E/CN.6/2016/6). Furthermore, the impact of the restrictive residency regime and denial of family unification requests, such as separation from family members, has a disproportionate impact on women.[57]

G. Forced to leave

63. All the above-mentioned factors in East Jerusalem create a coercive environment that places Palestinians under pressure to leave. Like in other areas of the West Bank, namely Area C or the H2 area of Hebron, Palestinians may have no other choice than to leave the very area where they have been living for decades or generations. As described above, a number of Palestinians have felt pressured to move, mainly by forced evictions or the revocation of residency status. Continuing discriminatory practices by the Israeli authorities put hundreds of Palestinians at risk of forcible transfer in East Jerusalem.

64. Such displacement is also evidenced by the growing population of East Jerusalem neighbourhoods situated behind the wall. Residents of East Jerusalem displaced by a demolition or other factors contributing to the coercive environment, often relocate to these areas. According to UNDP, migration trends show that poorer Palestinians move out of central Jerusalem to areas where rent is lower and there are fewer restrictions on housing expansion.[58] It is also the only place where Palestinians with residency status in Jerusalem can live with spouses from the West Bank without losing their status. This is an extremely worrisome trend, particular given the lack of services and law enforcement, and the numerous hazardous and unsupervised constructions rising in these neighbourhoods.

V. Settlements in the occupied Syrian Golan

65. Illegal settlement expansion and land appropriation by the Government of Israel in the occupied Syrian Golan continued during the period under review, in violation of the State's obligations under international law.[59] According to the civil society organization Al-Marsad, the 34 Israeli settlements in the occupied Syrian Golan have a population of about 26,000.[60] The estimated 25,000 Syrian residents of the Golan are restricted to living in five overcrowded villages.[61] Owing to discriminatory land, housing, and building and permit

[53] Ir Amim, *Displaced in their own city: the impact of Israeli policy in East Jerusalem on the Palestinian neighborhoods of the city beyond the separation barrier*, June 2015, p. 45. In stark contrast to other East Jerusalem neighbourhoods, according to the Office for the Coordination of Humanitarian Affairs, few house demolitions are carried out in the areas Jerusalem beyond the wall, accounting for only 9 per cent of all buildings demolished by Jerusalem Municipality.

[54] Daniel K. Eisenbud, "First police station opens in East Jerusalem's Shuafat refugee camp", Jerusalem Post, 7 May 2017.

[55] International Covenant on Economic, Social and Cultural Rights, arts. 11 and 12.

[56] Fourth Geneva Convention, art. 56.

[57] UN-Women, *International Legal Accountability Mechanisms* (see footnote 37), p. 14.

[58] UNDP, *Jerusalem Communities behind the Wall* (see footnote 32), p. 6.

[59] General Assembly resolution 72/86, para. 1.

[60] See http://golan-marsad.org/january-2018-universal-periodic-review-of-israel/.

[61] See http://golan-marsad.org/wp-content/uploads/Al-Marsad-UPR-submission-for-Israel.pdf, para. 2.

requirements, the Syrian villages are increasingly overcrowded, infrastructure is strained, and no expansion to accommodate the needs of the population is possible. Since the first demolition was reported in the occupied Syrian Golan in September 2016, there are concerns that the demolition of homes may become common (A/HRC/34/39, para. 59).[62]

66. In August 2017, the non-governmental organizations Adalah and Al-Marsad stressed the continued presence of mines around the village Majdal Shams that poses a serious danger to an estimated 11,000 people. They called upon the Israeli authorities to remove the mines and the related military outposts reportedly directly adjacent to residential homes, and situated on land belonging to the residents of Majdal Shams. Both organizations noted that the mines often drift beyond the marked minefields, and that some had exploded in the heat of the summer. They estimated that, since 1967, 69 civilian residents of the Golan Heights had been wounded by land mines and that 18 had consequently died, including nine children.[63]

67. The High Commissioner reaffirms the continuing validity of Security Council resolution 497 (1981), in which the Council stated that the decision by the Government of Israel to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect.

VI. Conclusions

68. During the period under review, a significant increase in settlement activity, including in East Jerusalem and Hebron, was witnessed. In Hebron, several factors led to a deterioration in the living conditions and to an increased coercive environment.

69. The establishment and expansion of settlements in the Occupied Palestinian Territory by Israel, including the legal and administrative measures that it has taken to provide socioeconomic incentives, security, infrastructure and social services to citizens of Israel residing in the West Bank, including East Jerusalem, amount to the transfer by Israel of its population into the Occupied Palestinian Territory, which is prohibited under international humanitarian law.[64] The transfer of the population by an occupying State into an occupied territory is a grave breach of article 147 of the Fourth Geneva Convention and therefore a war crime.[65] Several international bodies have confirmed the illegality of Israeli settlements in the Occupied Palestinian Territory and the occupied Syrian Golan, including the International Court of Justice, the Security Council, the General Assembly and the Human Rights Council.[66]

70. Palestinians in Area C, the H2 area of Hebron, and East Jerusalem are subject to discriminatory practices, as well as reduced living space, increased tensions, violence and arrests due to the existence and growth of settlements.

71. Palestinians in East Jerusalem face a restrictive planning, permit and construction regime, a lack of public services and shrinking public space. The lack of housing permits leads to the constant threat of demolition and displacement. These factors violate several rights and contribute to a coercive environment in East Jerusalem. Palestinians living in such a coercive environment may have no other choice but to leave, as previously documented in Area C and the H2 area of Hebron

[62] See http://golan-marsad.org/press-release-israeli-authorities-demolish-home-in-majdal-shams-in-the-occupied-syrian-golan/.

[63] Adalah, "Adalah, Al-Marsad demand Israel remove army outposts and minefields from occupied Syrian town on Golan Heights", 2 August 2017.

[64] Fourth Geneva Convention, art. 49 (6).

[65] See also the Rome Statute of the International Criminal Court, art. 8 (2) (b) (viii).

[66] International Court of Justice, *Legal consequences of the construction of a wall in the Occupied Palestinian Territory*, advisory opinion of 9 July 2004, para. 120; Security Council resolutions 465 (1980) and 2334 (2016); General Assembly resolutions 71/97 and 72/86; and Human Rights Council resolution 31/36.

(A/HRC/31/43, para. 60; A/71/355, paras. 61-64), in contravention of the international prohibition of forcible transfer.

VII. Recommendations

72. On the basis of his findings, the United Nations High Commissioner for Human Rights recommends that the Israeli authorities:

(a) Halt immediately and reverse all settlement development and related activities in the Occupied Palestinian Territory, including occupied East Jerusalem, and the occupied Syrian Golan, including through the discontinuation of support for private settler organizations' initiatives aimed at the seizure of Palestinian properties and the forced eviction of their residents, in compliance with relevant United Nations resolutions, including Security Council resolutions 497 (1981) and 2334 (2016);

(b) End immediately all activity contributing to the creation of a coercive environment and/or increasing the risk of forcible transfer;

(c) Review planning laws and policies to ensure that they are compliant with the obligations of Israel under international human rights and international humanitarian law;

(d) Refrain from implementing evictions and demolition orders on the basis of discriminatory and illegal planning policies and practices that may lead to forcible transfer, including of Bedouin and herder communities;

(e) Take all steps necessary to ensure that Palestinians in East Jerusalem and Area C of the occupied West Bank are not denied access to, or discriminated against in the provision of, essential services, including electricity, water and sanitation, and natural resources, including land for agricultural purposes;

(f) Remove immediately all mines and minefields in the occupied Syrian Golan, which pose a risk to the local civilian population.